

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AKAL BROADCASTING CORP., et al.

Plaintiffs,

v.

SUKHDEV SINGH DHILLON, et al.,

Defendants.

Case No. 1:24-cv-00029-JLT-SAB

ORDER REQUIRING PLAINTIFF TO FILE STATUS REPORT AND CONTINUING THE MANDATORY SCHEDULING CONFERENCE TO MAY 21, 2024

DEADLINE: April 23, 2024

Plaintiffs initiated this action on January 5, 2024 against Defendants Sukhdev Singh Dhillon, Mohan S. Cheema, Tarnvir S. Bisla, Jagdeep S. Dhaliwal, Baaz Broadcasting Corp., Radio Punjab, Inc., Amar Broadcasting Inc., TEG Broadcasting Inc., and Radio Spice USA Inc. (ECF No. 1.) Plaintiffs have not filed any proof of service on any Defendants and no Defendant has filed a responsive pleading. The mandatory scheduling conference is set for April 23, 2024, and a joint scheduling report was due April 16, 2024. (ECF No. 4.) No joint report has been filed.

Rule 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Id. The order setting the scheduling conference in this matter additionally provides that: “plaintiff shall diligently pursue service of the summons and

1 complaint and dismiss those defendants against whom the plaintiff will not pursue claims . . .[and]
2 plaintiff shall promptly file proofs of service of the summons and complaint so the Court has a
3 record of service.” (ECF No. 4 at 1.) “Failure to timely serve the summons and complaint may
4 result in the imposition of sanctions, including dismissal of unserved defendants.” (*Id.* at 2.) The
5 order additionally provides that “[a] Joint Scheduling Report, carefully prepared and executed by
6 all parties, shall be filed one (1) full week prior to the Scheduling Conference.” (*Id.*) Local Rule
7 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order
8 of the Court may be grounds for imposition by the Court of any and all sanctions … within the
9 inherent power of the Court.” The Court has the inherent power to control its docket and may, in
10 the exercise of that power, impose sanctions where appropriate, including dismissal of the action.
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Bautista v. Los Angeles Cnty., 216 F.3d 837, 841 (9th Cir. 2000).

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Plaintiffs shall file a status report **no later than April 23, 2024** addressing the
14 status of this action and whether Defendants Sukhdev Singh Dhillon, Mohan S.
15 Cheema, Tarnvir S. Bisla, Jagdeep S. Dhaliwal, Baaz Broadcasting Corp., Radio
16 Punjab, Inc., Amar Broadcasting Inc., TEG Broadcasting Inc., and Radio Spice
17 USA Inc. have been served or will be dismissed from this action;

18 2. The initial scheduling conference is CONTINUED to **May 21, 2024 at 9:30 a.m.**,
19 **in Courtroom 9** and the parties shall file a joint scheduling report at least **seven**
20 **(7) days** prior to the scheduling conference; and

21 3. Failure to comply with this order may result in the issuance of sanctions, up to and
22 including dismissal of this action.

23 IT IS SO ORDERED.

24 Dated: April 18, 2024


UNITED STATES MAGISTRATE JUDGE

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